

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WALDNER et al.	Examiner:	Unknown
Serial No.:	10/538,515	Group Art Unit:	Unknown
Filed:	9 June 2005	Docket:	12684.0015USWO
Confirmation No.:	2315	Notice of Allow. Date:	N/A
Due Date:	14 August 2006		
Title:	INHALATION THERAPY DEVICE		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 628409613 US
 Date of Deposit: 9 August 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: 
 Name: Joan Jankers

Mail Stop PCT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450




Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Petition Under 37 C.F.R. 1.182
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Supplemental Application Data Sheet, 6 pages
- ☒ Copy of Communication from Patent Office mailed 14 July 2006
- ☒ Please charge the deposit Account No. 13-2725 for \$400.00 to cover the Petition Fee
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
 P.O. Box 2903
 Minneapolis, MN 55402-0903
 612.332.5300

By: 
 Name: Gregory A. Sebald
 Reg. No.: 33,280
 GAS/cjc

S/N 10/538,515

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WALDNER et al.	Examiner:	Unknown
Serial No.:	10/538,515	Group Art Unit:	Unknown
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By: _____

Name: John Jenkins

PETITION UNDER 37 C.F.R. 1.182

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In connection with the above-identified application, enclosed please find a certified copy of the court order in which the Inventor (Daniela Mundenbruch formerly Hauser) legally changed her name. Also enclosed please find a copy of the originally signed Combined Declaration and Power of Attorney, in which the Inventor (Daniela Mundenbruch formerly Hauser) indicates a change in name, as well as a Supplemental Application Data Sheet signifying the change in name.

Please charge the deposit account no. 13-2725 for the amount of \$400.00 to cover the required fee the Petition. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Gregory A. Sebald (Reg. No. 33,280), at (612) 336-4728.

08/15/2006 GFREY1 00000107 132725 10538515

01 FC:1462

400.00 DA

23552

PATENT TRADEMARK OFFICE

Dated: 9 August 2006

GAS/cjc

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

By: _____

Gregory A. Sebald

Reg. No. 33,280

Lx

Beglaubigte Abschrift – Auszug*) – aus dem Familienbuch.

Mundenbruch

Ehemann (ggf. Familienname des Mannes)

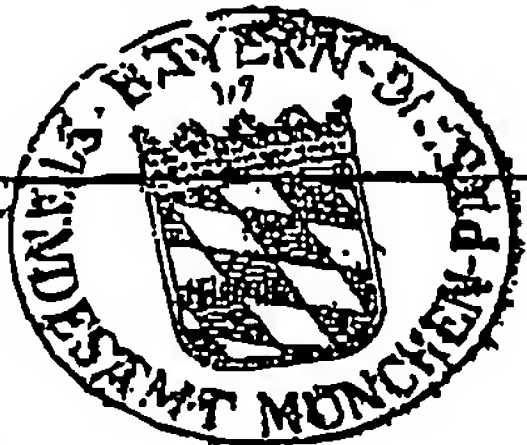
Häuser

Gegenseitige des anderen Ehegatten (ggf. Familienname der Frau)

1. Ehemann:

2. Ehefrau:

Dipl.-Ing. (FH) Mundenbruch -/-	Familienname v. d. Eheschl. Vorname	Dipl.-Ing. Häuser -/-
Michael Thomas Erich -/-	Beruf	Daniela -/-
Ingenieur für physikalische Technik -	Geburtsort	Maschinenbauingenieurin -/-
17. Oktober 1967 -/-	Geburtsort	13. November 1970 -/-
München -/-	Standesamt, Nr.	Salzgitter -/-
IV München, jetzt München, 5049/1967	Grundlage der Eintragung	Salzgitter-Lebenstedt, jetzt Salzgitter, 907/1970 -/-
-/-		-/-
-/-		-/-
3. Eheschließung von 1 und 2. Eheschließungsart, -ort 21. November 2003, München -/- Grundlage der Eintragung Heiratseintrag Nr. 405 ; St.Amt München-Pasing -/-		
4. Eltern des Ehemannes:		5. Eltern der Ehefrau:
Vater: -/-	Familienname, Vorname Wohnort oder letzter Wohnort	Vater: -/-
Mutter: -/-	Familienname, Vorname Wohnort oder letzter Wohnort Grundlage der Eintragung	Mutter: -/-
6. Angelegt Eine Zwischenzeile. -/- München, den 21. November 2003 Der Standesbeamte Grieger (Siegel)		
7. Vermerk über die Staatsangehörigkeit der Ehegatten und Nachwals -/- -/-		
8. Tod – Tag, Ort, Standesamt und Nr. Todeserklärung, Feststellung der Todeszeit der Ehegatten – Todeszeitpunkt, Gericht, Aktenzeichen, Scheidung, Aufhebung, Nichtigkeit, Feststellung des Nichtbestehens der Ehe – Tag der Rechtskraft, Gericht, Aktenzeichen -/- -/-		
9. Kinder:		Weitere Vermerke über die Ehegatten siehe Seite 10 Personenstands- und namentliche Änderungen, Eheschließung, Vor- und Familiennamen des Ehegatten, Tag, Ort, Standesamt und Nr. oder Tod – Tag, Ort, Standesamt und Nr. Todeserklärung, Feststellung der Todeszeit – Todeszeitpunkt, Gericht, Aktenzeichen
-/-		-/-
10. Weitere Vermerke über die Ehegatten und die Kinder. Die Ehegatten führen den Ehenamen Mundenbruch. Den 21.11.2003. Der Standesbeamte Grieger		



Die Übereinstimmung der Abschrift – des Auszuges*) – mit den Einträgen im Familienbuch wird hiermit beglaubigt.

München, den 21. November 2003

Der Standesbeamte

Grieger

*) Nichtzutreffendes streichen

Beglaubigte Abschrift – Auszug – aus dem Familienbuch Lx
(passend zum Stammbuch und Stammbuchausgabe)
Post-Nr. 13/414 (Komplex 100)
Verlag für Standesamtswesen GmbH, Frankfurt am Main – Berlin

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

14 JUL 2006

23552

MERCHANT & GOULD PC

P.O. Box 2903

Minneapolis, MN 55402-0903

In re Application of

WALDNER *et al*

Application No.: 10/538,515

PCT No.: PCT/EP03/13959

Int. Filing Date: 09 December 2003

Priority Date: 09 December 2002

Attorney Docket No.: 12684.0015USWO ✓

For: INHALATION THERAPY DEVICE

COMMUNICATION

*Response Due
Aug. 14, 2006 D.*

This communication is in response to the declaration submitted on 10 November 2005.

On 14 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 10 November 2005, applicants filed response to the Form PCT/DO/EO/905 which included an executed declaration signed by all four inventors listed on the international publication. However, the second named inventor listed her name as Daniela MUNDENBRUCH on the declaration, rather than the way it appears on the international publication, *i.e.*, Daniela HAUSER.

Counsel has not provided an explanation regarding the name change and there is no record of a name change pursuant to PCT Rule 92*bis* in the record. If the inventor legally changed her name, a petition under 37 CFR 1.182 is required. Section 605.04(c) of the MPEP explains this procedure and states, in part:

The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

If, on the other hand, the inventor has not legally changed her name, a new declaration signed using the name listed on the international publication for each inventor is needed, or counsel must provide an adequate explanation regarding the change.

P. LAW

Applicants must provide a proper response within **ONE (1) MONTH** from the mail date of this communication. Failure to submit the required reply in the time allotted will result in the **ABANDONMENT** of this application.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Supplemental Application Data Sheet

Application Information

Application Type::	Regular
Subject Matter::	Utility
Suggested Classification::	
Suggested Group Art Unit::	
CD-ROM or CD_R?::	None
Number of CD disks::	
Number of copies of CDs::	
Sequence Submission::	No
Computer Readable Form (CRF)?::	No
Title::	INHALATION THERAPY DEVICE
Attorney Docket Number::	12684.0015USWO
Request For Early Publication::	No
Request For Non-Publication::	No
Suggested Drawing Figure::	
Total Drawing Sheets::	8
Small Entity::	No
Latin Name::	
Variety Denomination Name::	
Petition Included::	No
Petition Type::	
Licensed US Govt. Agency::	
Contract or Grant Numbers::	
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Germany
Status::	Full Capacity
Given Name::	Robert
Middle Name::	
Family Name::	WALDNER
Name Suffix::	
City of Residence::	Peiting
State or Province of Residence::	
Country of Residence::	Germany
Street of mailing address::	Weidenweg 2
City of mailing address::	Peiting
State or Province of mailing address::	
Country of mailing address::	Germany
Postal or Zip Code of mailing address::	86971

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Germany
Status::	Full Capacity
Given Name::	Daniela
Middle Name::	
<u>Family Name::</u>	HÄUSER <u>Mudenbruch</u>
Name Suffix::	
City of Residence::	München
State or Province of Residence::	
Country of Residence::	Germany
Street of mailing address::	Sarasatestrasse 73
City of mailing address::	München
State or Province of mailing address::	
Country of mailing address::	Germany
Postal or Zip Code of mailing address::	81247

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Germany
Status::	Full Capacity
Given Name::	Uwe
Middle Name::	
Family Name::	HETZER
Name Suffix::	
City of Residence::	München
State or Province of Residence::	
Country of Residence::	Germany
Street of mailing address::	Gottfried-Böhm-Ring 67
City of mailing address::	München
State or Province of mailing address::	
Country of mailing address::	Germany
Postal or Zip Code of mailing address::	81369

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Germany
Status::	Full Capacity
Given Name::	Markus
Middle Name::	
Family Name::	URICH
Name Suffix::	
City of Residence::	München
State or Province of Residence::	
Country of Residence::	Germany
Street of mailing address::	Arno-Assmann-Strasse 9
City of mailing address::	München
State or Province of mailing address::	
Country of mailing address::	Germany
Postal or Zip Code of mailing address::	81739

Correspondence Information

Correspondence Customer Number:: 23552

Representative Information

Representative Customer Number::	23552
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Domestic Priority Information

Application::	Continuation Type::	Parent Application::	Parent Filing Date::
This application is a	National Stage of	PCT/EP2003/013959	12/09/03

Foreign Priority Information

Country::	Application Number::	Filing Date::	Priority Claimed::
Germany	102 57 381.6	12/09/02	Yes

Assignee Information

Assignee Name:: PARI GMBH SPEZIALISTEN FÜR EFFEKTIVE
INHALATION
Street of mailing address:: Moosstrasse 3
City of mailing address:: Starnberg
State or Province of mailing address::
Country of mailing address:: Germany
Postal or Zip Code of mailing address:: 82319

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: INHALATION THERAPY DEVICE

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/EP2003/013959 filed 09 December 2003 and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Germany	102 57 381.6	09 December 2002	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

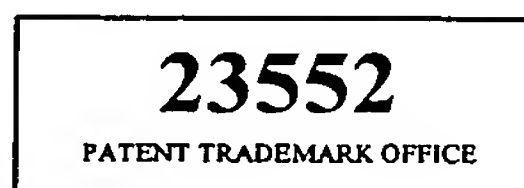
(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name WALDNER	First Given Name Robert	Second Given Name
0	Residence & Citizenship	City Peiting	State or Foreign Country Germany	Country of Citizenship Germany
1	Mailing Address	Address Weidenweg 2	City Peiting	State & Zip Code/Country 86971 / Germany
Signature of Inventor 201:			Date: 12. Sep. 2005	
2	Full Name Of Inventor	Family Name HÄUSER Mundenbruch	First Given Name Daniela	Second Given Name
0	Residence & Citizenship	City München	State or Foreign Country Germany	Country of Citizenship Germany
2	Mailing Address	Address Sarasatestrasse 73	City München	State & Zip Code/Country 81247 / Germany
Signature of Inventor 202:			Date: 10.08.05	
2	Full Name Of Inventor	Family Name HETZER	First Given Name Uwe	Second Given Name
0	Residence & Citizenship	City München	State or Foreign Country Germany	Country of Citizenship Germany
3	Mailing Address	Address Gottfried-Böhm-Ring 67	City München	State & Zip Code/Country 81369 / Germany
Signature of Inventor 203:			Date: 07. Okt. 2005	
2	Full Name Of Inventor	Family Name URICH	First Given Name Markus	Second Given Name
0	Residence & Citizenship	City München	State or Foreign Country Germany	Country of Citizenship Germany
4	Mailing Address	Address Arno-Assmann-Strasse 9	City München	State & Zip Code/Country 81739 / Germany
Signature of Inventor 204:			Date: 21.06.05	